

Petition for Surcharge Against Former Conservator for Breach of Fiduciary Duty  
 [Prob. C. 2401.3; 2620]

<b>DOD: 4/27/12</b>		<b>PUBLIC GUARDIAN</b> , Successor Conservator, is petitioner.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>
		Petitioner states the Public Guardian was appointed as successor Conservator of the deceased conservator upon the removal of the former conservator, Charles Hudiburgh.	<b><u>Continued to 5/23/13</u></b> <b>at the request of attorney.</b>
<b>Cont. from</b>		At the hearing on 1/16/13 regarding the former Conservator, Charles Hudiburgh's, second and final account, the court approved the account, but not the prior actions of the conservator. The hearing was continued to allow the Successor Conservator to determine if a surcharge is appropriate.	1. Bond for Charles Hudiburgh was issued by International Fidelity Insurance Company and not by Allied Mutual as reported in the Petition.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Based on the Public Guardian's investigation, a surcharge is warranted. There were three items that the Public Guardian asserts are not sufficiently identified as required. However, as explained below, only two of the items should be deemed part of a surcharge.	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	a. There were cash withdrawals of \$2,480.00 over a 26 month period, which equates to less than \$100 per month. Although there is no information as to the use of those funds, \$100 a month is an approximate amount the Public Guardian would provide to the Conservatee as personal needs money, which does not have to be accounted for. Therefore, a surcharge for the cash withdrawals is not warranted.	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	b. There were payments to Sears for 21 months in the total amount of \$3,756.25. Since there is no explanation for these expenditures, they are presumed to be misappropriations, and thus are appropriately considered as part of the surcharge.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>	Please see additional page	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

- c. There were 58 disbursements titled "unknown" during the account period. Without any proof, or even explanation, that the funds were used for the conservatee's benefit, the total amount \$14,496.86 should be part of the surcharge against the former conservator.

The total amount of surcharge is \$18,253.11. Probate Code §850 et seq. allows for double damages and attorney fees to be awarded if the misappropriation was done in bad faith. The Public Guardian was not familiar with the case until after the conservatee died and the conservator was in jail. Therefore, she looks to the Court to determine what amount, if any, above the \$18,253.11 should be part of the surcharges.

As of at least April 2011, there was a \$125,000.00 bond in place. Petitioner requests that the bond company, Allied Mutual Insurance Company, be ordered to pay the successor conservator, the amount of \$18,253.11, in addition to any other amount the court orders, as surcharge against Charles Hudiburgh, for breaching his fiduciary duty to the conservatee by misappropriating funds from the conservatorship.

Petitioner prays that:

1. The Court find that the former Conservator, Charles Hudiburgh, breached his fiduciary duty to the conservatee;
2. The court find that the actual loss to the estate is \$18,253.11, and make an order of surcharge against the former conservator in that amount;
3. The Court make further orders regarding additional surcharge, as deemed appropriate;
4. The bond company, Allied Mutual Insurance Company, be ordered to pay the successor conservator the amount the Court determines to be a proper surcharge; and
5. Any other orders that the Court considers proper.

**Objections of Allied Mutual Insurance Company filed on 4/8/13** states they do not have a record of issuing a bond for Charles Hudiburgh. The bond they issued was for the former conservator James Hudiburgh. The information they obtained from Charles Hudiburgh's attorney, Nancy LeVan is that International Fidelity Insurance Company, a company separate and distinct from Allied Mutual, issued the \$126,764.09 bond. Therefore there is no basis for Allied Mutual to be found liable in this matter.

[illegible]

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

<b>DOD: 7-14-05</b>		<b>PUBLIC ADMINISTRATOR</b> , Successor Administrator with Will Annexed, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 4-26-10 through 2-8-13	<p>1. I&amp;A filed 4-7-10 is incomplete at #5 (Property Tax Certificate Re Revenue and Taxation Code §480). Need verified statement regarding #5.</p> <p>2. Decedent's will devises the estate one-third each to Joe E. Delgadillo, Jr., George Ortega, Jr., and Elizabeth Naranjo; however, Joe George each signed a <u>Disclaimer</u> of their interest in the house, which is the only asset of the estate.</p> <p>Pursuant to Probate Code §282, the effect of a disclaimer is that the disclaimant's interest passes as if he had predeceased the decedent.</p> <p>However, Petitioner asserts that Probate Code §21111(b) is applicable in that the disclaimants' interest is a "failed transfer" due to the disclaimer, and as such would pass to the other transferee rather than their heirs.</p> <p>The Court may require clarification with reference to Probate Code §282.</p> <p>3. The attached disclaimers are copies. Need originals.</p> <p><i>Note: The I&amp;A and the disclaimers appear to have been prepared by Attorney Brian Austin of Madera, who previously represented Elizabeth Naranjo, the former Executor.</i></p>
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>	Accounting: \$180,000.00	
✓	<b>Inventory</b>	Beginning POH: \$180,000.00	
	<b>PTC</b>	Ending POH: \$180,000.00 (real property)	
✓	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Public Administrator: \$2,000.00 (less than statutory)	
✓	<b>Aff.Mail</b>	w	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>	Public Administrator (Extraordinary): \$248.00 for preparation of final tax return	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>	5-21-10 Attorney: \$2,000.00 (less than statutory)	
	<b>Duties/Supp</b>		
	<b>Objections</b>	Closing: \$1,000.00	
	<b>Video Receipt</b>	Costs: \$25.50 certification	
	<b>CI Report</b>		
✓	<b>9202</b>	Petitioner states the POH consists of real property only. Beneficiary Elizabeth Narajo has requested the option of paying all fees and costs so that the real property can be distributed to her. Petitioner has agreed to this arrangement.	
✓	<b>Order</b>	<b>Distribution pursuant to Decedent's will and disclaimers of interest by Joe Delgadillo, Jr., and George Ortega, Jr.:</b>	
	<b>Aff. Posting</b>	<b>Elizabeth Narajo:</b> Entire estate (real property located at 9773 S. Shaft, Selma)	
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 4-3-13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3 - Delgadillo</b>

**(1) Third Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 2620; 2623; 2640; 2942]**

<b>Age: 84</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is petitioner.  Account Period: 12/09/2010 – 12/10/2012  Accounting - <b>\$50,082.12</b> Beginning POH - <b>\$9,823.19</b> Ending POH - <b>\$7,106.37</b> <b>(\$3,541.90 in Cash)</b>  Conservator - <b>\$2,175.20</b> (14.90 Deputy Hours @ \$96/hr and 9.80 Staff Hours @ \$76/hr.)  Attorney - <b>\$2,000.00</b> (Per Local Rule)  Bond Fee - <b>\$135.54</b> (o.k.)  Petitioner requests that due to the insufficiency of the estate to pay the fees and commission that a lien be imposed upon the estate for unpaid balances of the authorized fees and commissions.  <b>Petitioner prays for an Order:</b>  1. Approving, allowing and settling the first account. 2. Authorizing the conservator and attorney fees and commissions. 3. Payment of the bond fee. 4. Authorize petition to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: A status hearing will be set as follows:</b> • <b>Friday February 6, 2015 at 9:00am in Dept. 303</b> for the filing of the 4 <sup>th</sup> Account.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<b>DOB: 02/21/1929</b>			
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Atty Lucich, Nicholas L Jr. (for David Einwalter – Petitioner-Executor)

(1) First and Final Report of Administrator on Waiver of Account and (2) Petition for Allowance of Statutory Attorney's Fees and for (3) Final Distribution (PC 10810, 10954, &amp; 11640)

<b>DOD: 03/17/2012</b>		<b>DAVID EINWALTER</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
		I&A - <b>\$197,000.00</b>	
		POH - <b>\$192,500.00</b>	
<b>Cont. from</b>		Executor - <b>Waives</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney (Statutory) - <b>\$6,775.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Costs - <b>\$1,190.00</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	(filing fees, publication, certified copies)	
<input type="checkbox"/>	<b>PTC</b>	<b>Distribution pursuant to intestate succession:</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<b>David Einwalter</b> – Cash in the amount of \$83,336.79, ½ interest in decedent's household furnishings, furniture and personal belongings located at 28326 Teresa Springs Road, Tollhouse, Ca. and ½ interest in any other property of the estate or in which decedent had any right, title or interest whether or not known or discovered including any portion of the closing reserve not necessary for closing expenses.	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	05/23/12	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	<b>Dee Ann Morrison</b> - Cash in the amount of \$83,336.79, ½ interest in decedent's household furnishings, furniture and personal belongings located at 28326 Teresa Springs Road, Tollhouse, Ca. and ½ interest in any other property of the estate or in which decedent had any right, title or interest whether or not known or discovered including any portion of the closing reserve not necessary for closing expenses.	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 04/03/2013
<b>Updates:</b>
<b>Recommendation:</b> Submitted
<b>File 5 - Waltrip</b>

Atty Ramirez, Jr., Edward R., of Ramirez Law Office (for Petitioner Deborah L. Miller)

(1) Report on Waiver Account and (2) Petition for Final Distribution for (3)  
 Allowance of Compensation to Attorneys for Ordinary Services (Prob. C. 10954, 1060 et.  
 seq., 10800, 10811, 12201)

<b>DOD: 5/23/2007</b>		<b>DEBORAH L. MILLER</b> , daughter and Administrator, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
				<p><b>CONTINUED TO 5/13/2013</b>  <b>Per Attorney request</b></p> <p>1. <i>Petition</i> does not contain a statement regarding whether notice has been sent to the Franchise Tax Board as required pursuant to Probate Code 9202(c)(1) for estates in which Letters were issued 7/1/2008 or after, and Court records contain no proof of service of such notice. Need proof of service of notice to the Franchise Tax Board.</p> <p>2. <i>Petition</i> does not contain a statement pursuant to Probate Code §§ 216 and 9202(b) regarding notice to the Director of the CA Victim Compensation and Government Claims Board. Petitioner is the sole heir of the estate and such notice appears unnecessary; however, the <i>Petition</i> should so state.</p> <p><b>~Please see additional page~</b></p>	
		Accounting is waived.			
<b>Cont. from</b>					
	<b>Aff.Sub.Wit.</b>				
✓	<b>Verified</b>	I & A	— \$351,124.14		
✓	<b>Inventory</b>	POH	— \$370,847.40		
	<b>PTC</b>		X		
✓	<b>Not.Cred.</b>	Administrator	— <b>waives</b>		
	<b>Notice of Hrg</b>		N/A		
	<b>Aff.Mail</b>				
	<b>Aff.Pub.</b>	Attorney	— \$10,022.48		
	<b>Sp.Ntc.</b>	(less than statutory)			
	<b>Pers.Serv.</b>				
	<b>Conf. Screen</b>				
	<b>Letters</b>	062112	<b>Distribution pursuant to intestate succession is to:</b>		
	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>		<b>DEBORAH L. MILLER?</b> or		
	<b>CI Report</b>		<b>[Unnamed] Trustee of the TED W. SAVELAND LIVING TRUST?</b> – entire estate consisting of interests in real property mortgages and <b>[\$ an unspecified amount of] cash.</b>		
	<b>9202</b>		X		
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>		X		
				<b>Reviewed by:</b> LEG	
				<b>Reviewed on:</b> 4/4/13	
				<b>Updates:</b> 4/8/13	
				<b>Recommendation:</b>	
				<b>File 6 - Saveland</b>	

**NEEDS/PROBLEMS/COMMENTS, continued:**

3. *Final Inventory and Appraisal* filed on 10/22/2012 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)
4. Paragraph 13 of the *Petition* states Petitioner requests that all assets of the estate be distributed to the **TED W. SAVELAND LIVING TRUST**. Pursuant to Local Rule 7.12.5, if property in the estate is to be distributed to a pre-existing trust, the current trustee must file a declaration setting forth the name of the trust, its establishment date, and taxpayer identification number, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in possession. Need the name of the Trustee of the **TED W. SAVELAND LIVING TRUST**, as well as a declaration of trust to be filed with the Court prior to distribution of the estate.
5. Proposed order is inconsistent with the *Petition* in that the *Petition* requests distribution to the **TED W. SAVELAND LIVING TRUST** while the proposed order requests distribution to Deborah L. Miller pursuant to intestate succession. Additionally, the proposed order does not comply with Local Rule 7.6.1 (C) requiring that the order specifically note the amount of cash included in the balance of estate property on hand.

**Note:** Receipts reported during this account period are not included in the calculation of the statutory fee contained in Paragraph 15 of the *Petition*. Pursuant to Probate Code § 10800(b), statutory fee base calculation uses the total amount of the appraisal value of the property in the inventory plus receipts. Correct statutory fee calculation for this estate is **\$10,416.95**. Paragraph 15 states the fee base for calculation is "as agreed to by attorney and Petitioner" but does not make clear that the lesser amount requested for statutory attorney fees has been agreed upon by attorney and Petitioner such that the attorney is accepting less than statutorily allowed in fees. Court may require clarification.



**(1) Petition for Admittance of Will to Probate; (2) First and Final Account and Report of Special Administrator and (3) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (4) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]**

<b>DOD: 5-5-12</b>	<b>PUBLIC ADMINISTRATOR</b> , Special Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>History:</b> <ul style="list-style-type: none"> <li>• <b>David Morse</b>, friend of the decedent and named executor in the decedent's Will dated 5-20-08, filed a petition for probate of will on 6-7-12.</li> <li>• <b>John Weaver</b>, brother of the decedent, filed a will contest on 7-10-12 that alleged that the decedent's devise to "<b>Orange Grove Monthly Meeting of the Religious Society of Friends</b>" is invalid, and the residue should be distributed to the contestant.</li> <li>• <b>On 7-16-12, the Court appointed the Public Administrator</b> as personal representative pursuant to minute order and the matter was also set for trial. Letters of Special Administration issued on 8-1-12..</li> <li>• <b>Settlement agreement was reached at settlement conference on 10-15-12</b> whereby the estate would pay John Weaver \$50,000.00 as a complete resolution.</li> <li>• <b>Agreement to Settle and Resolve Dispute by Stipulation</b> signed by all parties, including a representative of the Orange Grove Monthly Meeting of Friends of Pasadena, Inc., a California Nonprofit Corporation, was filed 11-2-12.</li> </ul>
	Account period: 7-16-12 through 2-22-13	
<b>Cont. from 030613</b>	Accounting: \$332,015.46	
<b>Aff.Sub.Wit.</b>	Beginning POH: \$319,993.22	
✓ <b>Verified</b>	Ending POH: \$288,709.84 (cash)	
✓ <b>Inventory</b>	Public Administrator (Statutory): \$9,390.31	
✓ <b>PTC</b>	Public Administrator (Extraordinary): \$2,248.00 for sale of real and personal property pursuant to 7.18.B and preparation of final tax return (1 deputy hour @ \$96/hr and 2 Staff hours @ \$76/hr)	
✓ <b>Not.Cred.</b>	Attorney (Statutory): \$9,390.31	
✓ <b>Notice of Hrg</b>	Attorney Motsenbocker (attorney for original petitioner): \$7,500.00 for time in excess of 30 hours for services to respond to will contest as itemized in Exhibit D)	
✓ <b>Aff.Mail</b>	Bond fee: \$415.02	
<b>Aff.Pub.</b>	Costs: \$461.00 (filing plus certified letters)	
<b>Sp.Ntc.</b>	Reimbursement of costs to original petitioner:	
<b>Pers.Serv.</b>	\$395 filing fee	
<b>Conf. Screen</b>	\$371.25 publication	
✓ <b>Letters</b>	\$56.85 postage (notice to 10 people)	
<b>Duties/Supp</b>	<b>Petitioner requests that the decedent's Will dated 5-20-08 be admitted to probate and distribution be made as follows:</b>	
<b>Objections</b>	<b>Distribution pursuant to Decedent's will and Agreement to Settle filed 11-2-12:</b>	
<b>Video Receipt</b>	John S. Weaver: \$50,000.00	
<b>CI Report</b>	Daniel J. Turner: \$8,258.63	
✓ <b>9202</b>	Martha Weaver Nee Merwald: \$1,000.00	
✓ <b>Order</b>	Lori Weaver: \$1,000.00	
	John Weaver, Jr. \$1,000.00	
	Orange Grove Monthly Meeting of the Religious Society of Friends (Association): \$197,223.47	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
✓ <b>FTB Notice</b>		

**Amended Petition for Letters of Administration: Authorization to Administer Under  
the Independent Administration of Estates Act with Limited Authority**

<b>DOD: 06/22/2012</b>		<b>KAREN K. WILLIAMS</b> , daughter is petitioner and requests appointment as administrator with limited authority without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		Limited Authority – o.k.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>	Decedent died intestate	
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>	Residence: Fresno Publication: The Business Journal	
	<b>Aff.Mail</b>		
✓	<b>Aff.Pub.</b>	<b>Estimated value of the estate:</b>	
	<b>Sp.Ntc.</b>	Personal property - \$100,000.00	
	<b>Pers.Serv.</b>	Real property - \$70,000.00	
	<b>Conf. Screen</b>	<b>Total: - \$170,000.00</b>	
✓	<b>Letters</b>	Probate Referee: Rick Smith	
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

**NEEDS/PROBLEMS/COMMENTS:**

1. Need Notice of Petition to Administer Estate.
2. Need proof of service of Petition to Administer Estate on the following:
  - Delphia Williams
  - Wanda Fletcher
  - Raymond Williams
3. #2d(3) of the petition does not provide the amount to be deposited into a blocked account.
4. Need Blocking Order.

**Note:** Petitioner was appointed as Administrator with full IAEA authority with bond set at \$170,000.00 on 9/14/2012. It appears by the Court file that the Petitioner was unable to bond. This Amended petition was filed on 3/1/2013 requesting limited IAEA with cash to be placed into a blocked account. However, once an order has been made an amended petition should not be filed. If the petitioner wanted to amend an order that was previously made a petition to amend the order should have been filed.

**Please see additional page**

**Reviewed by:** LV

**Reviewed on:** 04/04/2013

**Updates:**

**Recommendation:**

**File 8 - Williams**

**Note: (continued from previous page)**

It appears that the court could amend the Order without filing further pleadings to reflect limited IAEA authority with funds to be placed into a blocked account if the Petitioner 1) serves notice on the interested parties, 2) the personal property is all cash and 3) the Petitioner tells the court how much cash will be deposited into the blocked account.

**Note: If the petition is granted status hearings will be set as follows:**

- **Friday, 05/10/2013 at 9:00a.m. in Dept. 303** for the filing of the receipt for a blocked account **and**
- **Friday, 09/13/2013 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 06/13/2014 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

<b>DOD: 5/1/12</b>		<b>RUTH COFFMAN and LORETTA CLEAVER,</b> sisters, are Petitioners.  40 days since DOD.  No other proceedings.  Decedent died intestate.  I & A                      -                      \$42,000.00  Petitioners request decedent's interest in real property located at 2526 E. Clay in Fresno passes to them in equal shares.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Attachment 11 does not include the decedent's interest in the property.  2. Need name and dates of death of the decedent's parents. Local Rule 7.1.1D requires the name and date of death of any deceased heirs.  3. Need property tax certificate.	
<b>Cont. from 030613</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
	<b>PTC</b>			X
	<b>Not.Cred.</b>			
	<b>Notice of Hrg</b>			N/A
	<b>Aff.Mail</b>			
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCC/JEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<b>Reviewed by: KT</b>	
			<b>Reviewed on: 4/3/13</b>	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 9 - French</b>	

(1) Petition for Settlement of First and Final Account, for (2) Final Distribution, and  
(3) Fixing and Allowing Compensation

<b>DOD: 10/23/2011</b>		<b>ANNA F. WILLIAMS</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from 021413, 031413</b>		I & A - <b>\$280,765.25</b>	
		POH - <b>\$280,765.25</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Executor - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Closing reserve- <b>\$2,000.00</b>	
<input type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Anna F. Williams</b> - \$16,635.62 and ½ interest in household furniture and furnishings and real property located in Fresno County.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>	<b>Sula Zaninovich</b> - \$16,635.62 and ½ interest in household furniture and furnishings and real property located in Fresno County.	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b> 4/16/12		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 4/3/13</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 10 - Turner</b>

11 **Jose Portillo, Jr. & Dominic Portillo (GUARD/P)**  
 Atty Portillo, Linda Louise (pro per Petitioner/paternal grandmother)  
 Atty Benton, Jennifer (pro per Objector/mother)

Case No. 13CEPR00101

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Jose age: 11</b>		<b><u>TEMPORARY EXPIRES 4/10/2013</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Dominic age: 4</b>			
		<b>LINDA LOUISE PORTILLO</b> , paternal grandmother, is petitioner.	1. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence for: a. Joe Portillo (paternal grandfather)
<b>Cont. from</b>		Father: <b>JOSE ALFREDO PORTILLO</b> – personally served on 2/10/2013	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Mother: <b>JENNIFER BENTON</b> – personally served on 2/10/2013	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	Paternal grandfather: Not listed (Joe Portillo)	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Maternal grandfather: Rick Benton – personally served on 2/12/13.	
<input type="checkbox"/>	<b>Aff.Mail</b>	Maternal grandmother: Jackie Benton – personally served on 2/10/13.	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>	W/	Petitioner states her son, the boys' father, had been living in her home for the past 2 years. He has sole custody of the children. The children have already been through a lot with their parents before coming to petitioner's home. Petitioner states she does not want the children suffering the lifestyle their father chooses to live.
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		<b>Objections of Jennifer Benton, mother, filed on 3/29/13.</b> Mother states she is requesting custody of her children back. She had been recovering from an accident where she was walking and was struck by a hit and run driver. Mom states she feels that the Petitioner is manipulating her son (Jose, Jr.) and trying to turn her children against her.
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Please see additional page</b>			<b>Reviewed by: KT</b>
			<b>Reviewed on: 4/4/13</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 11 - Portillo</b>

**Objections of Jennifer Benton, mother (cont.):** Since Petitioner was granted temporary guardianship Mom states she has not been able to see her children like she has been accustomed to (every other weekend Friday at 5:00 until Sunday after church) and holidays, school breaks and other times as agreed upon. Mom states she is working twice per week (sometimes more) at Dominic's preschool class. After the temporary was granted Mom states she called to see if she could have her regular visit. After several phone calls and several excuses, she was told that she was not going to have her visits anymore. The temporary guardian is only allowing visits supervised by her.

Mom states she has filed for custody of her children in the Family Court.

**Court Investigator JoAnn Morris' report filed on 4/4/13.**

Atty Helon, Marvin T., of Helon & Manfredo (for Petitioner Bruce D. Bickel, Successor Trustee)  
 Atty Hastrop, John, of McCormick Barstow (for Respondents Kimberly J. Rendino, Nick M. Rendino, Jr., and Gregg D. Rendino, Trust Beneficiaries)

Petition for Approval and Confirmation of Sale and Instructions  
 (Prob. C. 16503(c) and 17200)

DOD: 7/19/2012		<b>BRUCE D. BICKEL</b> , Trustee of the <b>DANNY RENDINO LIVING TRUST</b> , is Petitioner.  <b>Petitioner states:</b> <ul style="list-style-type: none"> <li>By declaration of trust dated 5/3/2012, <b>DANNY RENDINO</b> as Settlor and original Trustee established the <b>DANNY RENDINO LIVING TRUST dated May 3, 2012</b> (copy attached as Exhibit A);</li> <li>Under the terms of the Trust, <b>JUDITH A. HARTMAN</b>, friend, became Successor Trustee upon the death of the Settlor; on 12/12/2012, she resigned and on that date <b>THOMAS E. AVAKIAN</b>, friend, as next designated Successor Trustee, accepted her resignation and immediately thereafter himself tendered his resignation, and pursuant to the Trust, he designated and appointed Petitioner <b>BRUCE BICKEL</b> as Successor Trustee (copies of Trustee Resignation and Acceptance of Appointment attached as Exhibit B);</li> <li>Real property on Pintail Circle in Fresno is a Trust estate asset, and Petitioner's predecessor as Successor Trustee, <b>JUDITH A. HARTMAN</b>, had listed the real property for sale under an exclusive listing with Guarantee Real Estate;</li> <li>Petitioner believes that               <ul style="list-style-type: none"> <li>(a) Judith listed the real property with the objective to receive as many offers as possible and to select the highest and best offer;</li> <li>(b) There were a total of 4 offers submitted and considered by Judith;</li> <li>(c) Judith as Trustee submitted a counter-offer to each of the 4 offers basically offering similar terms and indicating that the Trustee was making multiple counter-offers to prospective buyers on terms that may or may not be the same; that final or subsequent offers would be evaluated for the best offer and that any acceptance of the counter-offer by the prospective buyer would not be binding unless and until the counter-offer was subsequently re-signed by the Trustee; and</li> <li>(d) That 2 of the 4 persons who had originally submitted offers, <b>KIM RENDINO</b>, and <b>DON and DELORES SCORDINO</b>, resubmitted new offers/counter-offers in response;</li> </ul> </li> </ul> <p align="center">~Please see additional page~</p>	<b>NEEDS/PROBLEMS COMMENTS:</b>  1. Need proposed order.
Cont. from 040313			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 4/4/13	
		<b>Updates:</b>	
		<b>Recommendation</b>	
		<b>File 12 - Rendino</b>	



**Petitioner states, continued:**

- The new offers/counter-offers were received by the listing agent prior to Petitioner becoming Successor Trustee on 12/12/2012; upon Petitioner's appointment as Trustee, Petitioner reviewed the 2 new offers/counter-offers and determined that the offer submitted by **DON SCORDINO** and **DELORES SCORDINO** to purchase the property for **\$447,000.00** would result in greater net proceeds to the Trust, and Petitioner accepted the offer and agreed to sell the property to the **SCORDINOS** for that price subject to the Notice of Proposed Action procedure under Probate Code § 16500 et seq. The terms of the proposed agreement of sale with the **SCORDINOS** provide that "in the event of an objection by any beneficiary, then the sale is subject to Court approval (which proceeding may include the overbid procedure as is customary in probate sales if the Court shall so require)."
- On 12/14/2012, Petitioner sent a *Notice of Proposed Action* to all beneficiaries of the Trust advising them of the proposed sale of the real property and provided a copy of the agreement for sale including the offer/*Residential Purchase Agreement and Joint Escrow Instructions* dated 12/32012, *Counter Offer No. One* dated 12/4/2012, *Counter Offer No. 2* dated 12/7/2012 and its *Addendum*, and an estimated closing statement showing estimated proceeds and costs involved with the proposed sale to the **SCORDINOS** (copies attached as *Exhibit C*);
- On 1/18/2013, **KIMBERLY J. RENDINO**, **NICK M. RENDINO, JR.**, and **GREGG D. RENDINO**, beneficiaries of the Trust, submitted an *Objection to Notice of Proposed Action* (copy attached as *Exhibit D*);
- **Evaluation of Offers by Trustee:** In evaluating the offers and accepting the **SCORDINOS'** offer, Petitioner considered and took into account the real estate commission and costs payable by the Trust in connection with the offer and sale, which are less under the **SCORDINOS'** offer than those payable by the Trust under the offer submitted by **KIM RENDINO**; even though **KIM RENDINO'S** gross offering price was higher than the **SCORDINOS'** gross offering price, the net proceeds to the Trust will be greater with the **SCORDINOS'** offer, principally because the **SCORDINOS'** broker agreed to accept a **.5%** commission or share of the commission, less than the **2.5%** commission which would be claimed and payable to **KIM RENDINO'S** broker.
- **Approval of Sale:** Petitioner believes that the sale of the real property on the terms described to **DON SCORDINO** and **DELORES SCORDINO** is in the best interest of the Trust and should be approved or confirmed by the Court; consistent with the terms of the *Addendum*, if the Court deems it required as a result of the objection, the Court should set procedures for and entertain overbids consistent with the procedure for confirmation of probate estate sales; under the procedures for overbids on estate sales, if such procedures are required and employed by the Court, the amount of the first overbid computed under Probate Code § 10311 would be **\$469,850.00**; if further bids are accepted, the Court should consider costs of sale, including real estate commissions.

**Petitioner prays for an Order:**

1. Approving the sale of the Trust's real property to the buyers on the terms set forth in the Petition, or if required by the Court, setting such procedures as the Court deems necessary and appropriate for overbids or further bids;
2. Instructing the Trustee as to the sale of the real property; and
3. Awarding Petitioner's costs.

~Please see additional page~

## Second Additional Page 12, Danny Rendino Living Trust, Case No.13CEPR00135

**Exhibit D, Objection to Notice of Proposed Action** addressed to Successor Trustee Bruce Bickel dated 1/18/2013 and signed by KIMBERLY J. RENDINO, NICK M. RENDINO, JR., and GREGG D. RENDINO, beneficiaries of the Trust, states:

- The undersigned beneficiaries object to the action proposed to be taken by the Successor Trustee as described in the Notice of Proposed Action executed by Successor Trustee on 12/14/2012, relating to the close of escrow on the sale of real property at Pintail Circle to **DON SCORDINO** and **DELORES SCORDINO**;
- The undersigned beneficiaries are in favor of court confirmation of the sale, including possible overbids at the confirmation hearing, to insure that the sale price obtained is the highest and best price, and that other interested persons beside the buyers procured by the Successor Trustee have an opportunity to bid for the purchase of the Settlor's home;
- Some rather unusual aspects of the counter-offer and sale documentation for the real property raise suspicion that the process may have been skewed to benefit a particular buyer, rather than to obtain the highest and best price for the Trust;
- On 12/5/2012, then-Trustee **JUDITH HARTMAN** made Counter Offer No. 1 for the property to multiple potential buyers;
- **DON SCORDINO** and **DELORES SCORDINO** signed and agreed to this counter offer with signatures dated 12/7/2012 and 12/6/2012, respectively;
- Instead of the usual practice of simply signing or trying to negotiate better terms or a price, however, they made their acceptance conditioned upon another counter offer – Counter Offer No. 2, with signatures both dated 12/7/2012 – that actually increased the price and removed conditions [emphasis in original];
- In other words, the successful offerors bargained against themselves without any intervening counter offer;
- Furthermore, the price increase of **\$500.00** and contingency removal equal to **\$500.00** are also quite small for a bona fide counter offer;
- This unusual scenario suggests that **DON SCORDINO** and **DELORES SCORDINO** may have been tipped off about other offers and that additional potential counter offers from seller were not extended;
- Such additional offers could have led to a higher sales price for the property.

**Response to Petition for Approval and Confirmation of Sale and Instructions** filed by KIMBERLY J. RENDINO, NICK M. RENDINO, JR., and GREGG D. RENDINO, beneficiaries, filed on 4/2/2013 states:

- The subject matter of the *Petition for Approval and Confirmation of Sale and Instructions* is the sale of the real property to **DON SCORDINO** and **DELORES SCORDINO** at the sales price of **\$447,000.00**, subject to obtaining a first loan in the amount of **\$320,000.00** with interest not to exceed **3.5%** per annum; the sale is also subject to payment of real estate commissions from the proceeds of sale to Guarantee Real Estate in the sum of **\$11,175.00** and to Realty Concepts in the sum of **\$2,235.00**;
- The Trustee generated a *Notice of Proposed Action* on 12/14/2012 advising the interested parties of the terms and conditions of the sale; Respondents objected to the Notice on 1/18/2013;
- As detailed in Trustee's *Petition*, **JUDITH HARTMAN** became Successor Trustee of the Trust upon the death of Danny Rendino on 7/19/2012;

~Please see additional page~

**Response to Petition by KIMBERLY J. RENDINO, NICK M. RENDINO, JR., and GREGG D. RENDINO, continued:**

- On 12/3/2012, **JUDITH HARTMAN** met with the Seller to present all offers made on the property, of which there were 4;
- On 12/5/2012, **JUDITH HARTMAN** presented counter-offers to each of the 4 offers;
- On 12/6/2012, the **SCORDINOS** and **KIMBERLY RENDINO** signed the counter-offer presented by **JUDITH HARTMAN**;
- However, on 12/7/2012, absent any negotiations or intervening counter-offer, the **SCORDINOS** signed a second counter-offer that increased their offer price of the real property and removed conditions favorable to them;
- In essence, the **SCORDINOS** negotiated against themselves by increasing their offer without any information that their prior counter-offer was insufficient or had been rejected (*please see Exhibit D attached to the Trustee's Petition, containing a copy of the Objection to Notice of Proposed Action detailing Respondent's concerns and suspicions surrounding the SCORDINOS' counter-offer*);
- The pattern of counter-offers presented by the **SCORDINOS**, which resulted in a bid that only nominally exceeded the bid of **KIMBERLY RENDINO** suggest that the **SCORDINOS** may have had insider information on the bidding process (*see Declaration of HAL HARRIS, real estate agent for Kim Rendino attached as Exhibit A*);
- When one party has insider information, it disrupts a process designed to get buyers to bid their "highest and best" offer for a property;
- On 12/10/2012, **JUDITH HARTMAN** presented counter-offers from the **SCORDINOS** and **KIMBERLY RENDINO** to the Seller;
- On 12/12/2012, **JUDITH HARTMAN** resigned as Successor Trustee; that same day **BRUCE BICKEL** accepted appointment as Successor Trustee and immediately accepted the **SCORDINOS'** offer (the offers were dated 12/7/2012 and contained standard California Association of Realtor (CAR) Form language about expiring within 3 days);
- As mentioned in Respondents' *Objection to Notice of Proposed Action*, the conduct of the former Trustee, **JUDITH HARTMAN**, and the current Trustee relative to the bid process and acceptance of sale process have caused the Respondents to question whether the sale transaction was negotiated at arm's length and whether the net sale proceeds of the real property will generate the most proceeds to the Trust;
- As acknowledged in the Trustee's Petition, the Trustee was placed in a difficult position of having to accept or reject counter-offers on the first day of his appointment on 12/12/2012, as the offers had arguably expired pursuant to the language in the forms;
- Respondents believe there should have been more opportunity afforded to all interested parties for bidding and that the negotiations and counter-offers should have been more conventional and straight-forward;
- As noted in the Addendum to the *Notice of Proposed Action* and referenced in the *Petition*, the terms of the proposed agreement of sale with the **SCORDINOS** provide that "in the event of an objection by any beneficiary, then the sale is subject to Court approval (which proceeding may include the overbid procedure as is customary in probate sales if the Court shall so require)."
- The Petition states at Paragraph 9 that "the Court should set procedures for and entertain overbids consistent with the procedure for confirmation of probate estate sales."
- Respondents are willing to bid on the real property on behalf of themselves the amount of the initial overbid associated with Court confirmation pursuant to Probate Code § 10311, which amounts to **\$469,850.00**;

**~Please see additional page~**

**Response to Petition by KIMBERLY J. RENDINO, NICK M. RENDINO, JR., and GREGG D. RENDINO, continued:**

- In addition, as the *Notice of Proposed Action* clearly details that the overbid procedures outlined in the Probate Code are to be utilized, Respondents assert that the other sections of the Probate Code should be equally applied; specifically, Respondents contend that the Court should follow Probate Code § 10309, which states "no sale of real property at private sale shall be confirmed by the Court unless... the real property has been appraised within one year prior to the date of the confirmation hearing."
- Respondents contend that no such appraisal meeting the requirements of § 10309 was performed; Respondents respectfully assert that confirmation of the sale would be improper without such appraisal;
- As Fresno County Local Rules are silent as to the incorporation of the Probate Code into a sale of Trust real property, they have looked to other counties for guidance; Los Angeles County Local Rule 4.107 provides that, "When a trustee seeks court approval of a sale of trust real property, the sale must comply with the provisions of Probate Code § 10300 et seq." Similarly, Santa Barbara County Local Rule 1706(a) provides that, "Petitions to Confirm Sales of Real Property shall be on the Judicial Council approved forms." The requirement that petitions be made on Judicial Council forms is pursuant to Probate Code § 10300 et seq.; therefore, this would suggest that Santa Barbara County also looks to the Probate Code in handling the sale of real property;
- In light of the guidance provided by surrounding Counties and the fact that the *Notice of Proposed Action* specifically requires the use of the Probate Code through incorporating the overbid procedures, Respondents assert that Probate Code § 10300 et seq. should be equally applied and that confirmation of the sale not take place until a proper appraisal has been performed, and the other applicable statutory procedures have been followed;
- Respondents reiterate their willingness to bid an amount for the purchase of the real property which will result in greater net proceeds to the Trust than the Trustee's sale to the **SCORDINOS**.

**Respondents pray for an order that:**

1. The Trustee's sale of the real property to the **SCORDINOS** be denied;
2. The Court suspend any sale until an appraisal of the real property has been performed; and
3. The Court invite other offers to be submitted by way of the overbid process as set forth under Probate Code § 10311, if such offer or offers exceed the sum of **\$469,850.00** and will generate greater net sale proceeds to the Trust than the overbid of the Respondents.

**~Please see additional page~**

***Declaration of HAL HARRIS in Support of Response to Petition for Approval and Confirmation of Sale and Instructions states:***

- He is a Realtor at Realty Concepts in Fresno, and based on his years of experience as a Realtor, he has developed an understanding of the standard custom and practice with regard to the sale of real property;
- He represents Kimberly Rendino, the niece of the deceased Trustmaker, Danny Rendino, with regard to the sale of the real property at Pintail Circle;
- It is his opinion that the sale of the Pintail property was orchestrated in a manner that suggests that Mr. and Mrs. Scordino may have received inside information regarding the offer put in by Ms. Rendino;
- Ms. Rendino put her offer in with a price that was based upon the assumption that the seller would accept; she had agreed to all of the seller's terms;
- The fact that Mr. and Mrs. Scordino improved their offer to a mere **\$1,000.00** more than Ms. Rendino on **\$447,000.00** sale is highly suggestive of insider information;
- If one party gets insider information, it disrupts the bid process designed to result in the "highest and best" offer for all potential bidders;
- Attached as *Exhibit A* are copies of emails either authored by or received by him concerning the sale of the Pintail property.

**13 Patience Castillo, Syncere Castillo & Tony Ed Castillo, III (GUARD/P)**  
**Case No. 10CEPR00859**

**Atty Alaniz, Terry Beatrice (pro per Petitioner/maternal grandmother)**

**Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)**

<b>Tony age: 1 year</b>		<b><u>GENERAL HEARING 6/3/13</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>TERRY BEATRICE ALANIZ</b> , maternal grandmother, is petitioner.		<b>This petition is as to TONY ED CASTILLO, III only.</b> Guardianship was previously granted to Petitioner for Patience and Syncere on 1/10/11.	
		Father: <b>TONY CASTILLO, Jr.</b> – personally served on 4/2/13.			
<b>Cont. from</b>		Mother: <b>UNIQUE RIVERA</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>				
<input checked="" type="checkbox"/>	<b>Verified</b>				
<input type="checkbox"/>	<b>Inventory</b>				
<input type="checkbox"/>	<b>PTC</b>	Paternal grandfather: Tony Castillo, Sr. Paternal grandmother: Ann Perez Maternal grandfather: Rudy Rivera - deceased			
<input type="checkbox"/>	<b>Not.Cred.</b>				
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>				
<input type="checkbox"/>	<b>Aff.Mail</b>				
<input type="checkbox"/>	<b>Aff.Pub.</b>				
<input type="checkbox"/>	<b>Sp.Ntc.</b>				
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>	W/		<b>1.</b> Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <b>a.</b> Unique Rivera (mother)	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>				
<input checked="" type="checkbox"/>	<b>Letters</b>				
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>				
<input type="checkbox"/>	<b>Objections</b>				
<input type="checkbox"/>	<b>Video Receipt</b>				
<input type="checkbox"/>	<b>CI Report</b>				
<input type="checkbox"/>	<b>9202</b>				
<input checked="" type="checkbox"/>	<b>Order</b>				
<input type="checkbox"/>	<b>Aff. Posting</b>				
<input type="checkbox"/>	<b>Status Rpt</b>			<b>Reviewed by: KT</b>	
<input checked="" type="checkbox"/>	<b>UCCJEA</b>			<b>Reviewed on: 4/4/13</b>	
<input type="checkbox"/>	<b>Citation</b>			<b>Updates:</b>	
<input type="checkbox"/>	<b>FTB Notice</b>			<b>Recommendation:</b>	
				<b>File 13 – Castillo</b>	

**13**

Atty Cualca, Sara Eliza Zarate (pro per Petitioner/maternal grandmother)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Christopher age: 8	<p>Temporary was granted Ex Parte on 3/29/13.  <u>Temporary Expires on 4/10/13.</u></p> <p><u>General Hearing 6/3/13</u></p> <p><b>SARA ELIDA ZARATE CUALCA</b>, maternal grandmother, is petitioner.</p> <p>Father(Christopher &amp; Yahaira): <b>VICTOR ROJAS CASTELLANOS</b> - Mexico</p> <p>Father (Ruben): <b>RODOLFO SANCHEZ MARCIAL</b> – Declaration of Due Diligence filed on 4/5/13.</p> <p>Mother: <b>YENI RODRIGUEZ ZARATE</b> - Mexico</p> <p>Paternal grandfather (of Christopher &amp; Yahaira): Mr. Rojas</p> <p>Paternal grandmother (of Christopher &amp; Yahaira): Mrs. Castellanos De Rojas</p> <p>Paternal grandparents (of Ruben): Unknown</p> <p>Maternal grandfather: Jose Isabel Rodriguez Cataneda</p> <p><b>Petitioner states</b> mom decided to send her the children in September 2012. Mom and her boyfriend are now asking for money and when she refuses they threaten to take the children back. In fact they have gone to a city official to have her call threatening to have petitioner deported if the children are not sent back to Mexicali, Baja California Mexico. Petitioner states she refuses to send the children back because he has heard from another daughter, who resides in the same town, how their mother and her boyfriend are abusing them. The stepfather not only abuses the children but physically abuses the mother. The stepfather is a drug addict who prostitutes the mother.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of personal service of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> <li>a. Victor Rojas Castellanos (father of Christopher &amp; Yahaira)</li> <li>b. Rodolfo Sanchez Marcial (father of Ruben) – unless the court dispenses with notice.</li> <li>c. Yeni Rodriguez Zarate (mother)</li> <li>d. Ruben Sanchez (minor)</li> </ul>	
Yahaira age: 10			
Ruben age: 12			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

<b>Reviewed by: KT</b>
<b>Reviewed on: 4/4/13</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 14 - Sanchez</b>